

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Tuesday, January 20, 2015
Place: Capitol

Time: 8:00 AM
Room: 137

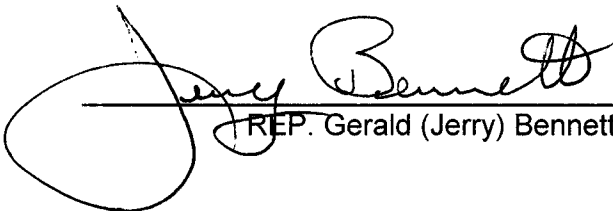
BILLS and RESOLUTIONS HEARD:

HB 19 - Clarify that the governor may change parole board presiding officer - Rep. Ellie Boldman Hill
HB 43 - Revise executive clemency laws - Rep. Margaret (Margie) MacDonald
HB 128 - Revise MAPA provisions related to board of pardons and parole - Rep. Ellie Boldman Hill

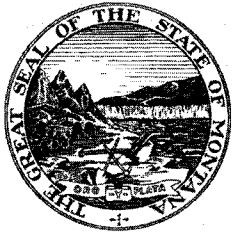
EXECUTIVE ACTION TAKEN:

None

Comments:



REP. Gerald (Jerry) Bennett, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN DOANE, VICE CHAIRMAN	X	
REP. VIRGINIA COURT, VICE CHAIR	X	
REP. KATHY KELKER	X	
REP. SETH BERGLEE	X	
REP. RANDALL PINOCCI	X	
REP. CLAYTON FISCUS	X	
REP. JENNY ECK	X	
REP. ZAC PERRY	X	
REP. MATTHEW MONFORTON	X	
REP. MARGIE MACDONALD	X	
REP. ELLIE BOLDMAN HILL	X	
REP. CAROLYN PEASE-LOPEZ	X	
REP. SARAH LASZLOFFY	X	
REP. THERESA MANZELLA	X	
REP. NATE MCCONNELL	X	
REP. STEPHANIE HESS	X	
REP. G. BRUCE MEYERS		X
REP. KIRK WAGONER	X	
REP. ANDREW PERSON	X	
REP. KEITH REGIER		X
REP. JERRY BENNETT, CHAIRMAN	X	

21 MEMBERS

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, January 20, 2015

HB 43 - Revise executive clemency laws

Sponsor: Rep. Margaret (Margie) MacDonald

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Name	Representing	Support	Oppose	Info
Robert A. Clincher	BB Free Support Group	X		
Nancy Smith MD	BB FREE Support Group			
Maria Price	BB Free Support Group	X		X
Timothy Allred	BOPP			✓
AL Smith	Self	X		
Sue Smith	Self BB free	X		
Bonnie Adee	self	X		
Frank Crowley	Self	X		
ROBERT KORN	Self	X		
Joyce Ranum	Self	X		
JOHN RANUM	Self	X		
Mike McKee	Citizen		X	
HAZ JORGENSEN	Self	X		
Dan Gengler	Self	X		
Moe Wosepka	Self	X		
Maureen Grigoin	BB Support Group	X		
Craig McDawson	M.F. Freedom Walkers	X		
A. J. Hinkle Howanack	Self	X		
Carol Kolar	Self	X		
Dan Bostic	Self	X		
Steve Gryn	Coalition for Supp. of Just.	X		
Bonnie Jorgensen	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Sponsor: Rep. Margaret (Margie) MacDonald

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Tuesday, January 20, 2015

HB 19 - Clarify that the governor may change parole board presiding officer

Sponsor: Rep. Ellie Boldman Hill

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Name	Representing	Support	Oppose	Info
Robert A. Clincher	BB Free Support Group	X		
Nancy Sawicki	BB FREE SUPPORT GROUP	X		
Marla Price	BB Free Support Group	X		
Timothy Allred	BOPP			✓
AL SMITH	Self	X		
Jane Smith	Self BB free	X		
ROBERT KOLAR	Self	X		
Bonnie Ader	self	X		
Frank Crowley	self	X		
Joyce Rarum	Self	X		
JOHN RARUM	Self	X		
Mike McKee	CITIZEN		X	
HAL JACOBSEN	Self	X		
Moe Wosepka	Self -	X		
Carrie McDermott	Great Falls Freedom of Religion	X		
Maureen Origoir	BB Support	X		
D. J. Hellebronn	BB Supporter	X		
Cecil Kola	Self	X		
Amber West	Self	X		
Bonnie Joyner	Self	X		
St. George C	Constitution for S.F.G. + Just	X		
Christine Slaughter	BOPP			X

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[illegible]

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Tuesday, January 20, 2015

HB 128 - Revise MAPA provisions related to board of pardons and parole

Sponsor: Rep. Ellie Boldman Hill

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Name	Representing	Support	Oppose	Info
Wally Schabens	SELF B-FREE	X		
Robert A. Clincher	BB Free Support Group	X		
Marsha Price	BB Free Support	X		
Timothy Allred	BOPP			✓
AL Smith	SELF	X		
Sue Smith	Self - BB free	X		
Joyce Ranum	SELF	X		
Robert Novak	Self	X		
Baum Adre	self	X		
Frank Cooley	self	X		
Mike McKee	CITIZEN		X	
John Ranum	SELF	X		
Melissa Clark	SELF			
HAJ JORGENSEN	SELF	X		
Max Wosenska	Self	X		
Carmie McDanielsen	M.F. Freedom Walkers	X		
Maureen Strigora	BB Support group	X		
A. J. Hellestegwanach	self	X		
Carol Keller	self	X		
Imbu Oster	SELF	X		
Steve Gipe	Cong. to - for Safety & Just	X		
Bonnie Jorgensen	Self	X		

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Chairman Bennett and members of the committee:

I would like to take a moment to answer a few questions that were asked yesterday in regards to HB19.

Q. Is the appointed chairperson appointed by the Governor and then approved by the legislature, and how is the chair selected?

A. MCA 2-15-2302 - <http://leg.mt.gov/bills/mca/2/15/2-15-2302.htm> states that the governor appoints Board members and they are confirmed by the senate. The governor designates the presiding officer. The presiding officer is not confirmed by the senate. MCA 2-15-2302 does not limit the number of changes or dictate the timing of any change in the presiding officer. In the Board's opinion, the governor already has the ability to change the presiding officer.

Q. What are the powers of the chair?

A. Administrative Rule 20.25.101 states the duties of the presiding officer.

ORGANIZATION OF THE BOARD

1. The board is a quasi-judicial body and is administratively attached to the Department of Corrections. The board consists of seven members who are appointed by the governor. The board shall administer executive clemency and parole processes and procedures, and ensure the effective application of and improvements to the clemency and release system as well as of the laws upon which they are based.
2. The board chair is specifically designated by the governor and the vice-chair is designated by a majority vote of the board. The vice-chair assumes the duties of the chair when the chair is not present. Individual board members shall, prior to hearing a case, disclose any conflict of interest and recuse themselves in cases in which it has been determined that a conflict of interest is clearly identified.
3. The board's main office is located in Deer Lodge, Montana.
4. The board, by a majority vote of all members, hires an executive director, who oversees the day to day financial, administrative, and personnel policies and procedures of the board. The executive director also coordinates board member, hearing panel, and board staff work schedules, and fulfills other duties as assigned by the board chair. The executive director hires board staff as deemed necessary and as provided by legislative appropriation. Board administrative personnel represent the board in official board actions. All board personnel are state employees with all benefits and protections afforded to state employees.
5. The board will meet at least monthly to conduct hearings and transact its business. The board may conduct meetings and hearings at any location suitable for that purpose.
6. The board chair or designee, in consultation with the board members:
 - a. assigns hearing panels to conduct parole hearings, revocation hearings, rescission hearings, administrative parole reviews, reconsideration of previous parole decisions, and to make final decisions and recommendations in matters of executive clemency;
 - b. requests out-of-state adult correctional releasing authorities to conduct courtesy hearings on behalf of the board; and
 - c. designates presiding hearing panel members.

7. The vote of at least a majority of all members of the board is required to adopt any change in established rule, policy, and/or procedure, unless otherwise provided by law.
8. The board will set hearing and meeting dates suitably in advance and publish them on the board's official web site, but the dates are subject to change.
9. The board executive director will maintain, review, and update at least annually a written description and an organizational chart that accurately reflects the structure of authority, responsibility, and accountability within the board. (History: 46-23-218, MCA; IMP, 2-15-121, 2-15-124, 2-15-2302, and 46-23-104, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 1552, Eff. 12/1/78; AMD, 1993 MAR p. 297, Eff. 2/26/93; AMD, 1994 MAR p. 168, Eff. 1/28/94; AMD, 1999 MAR p. 290, Eff. 2/12/99; AMD, 2010 MAR p.2816, Eff. 12/10/10; AMD, 2012 MAR p. 1619, Eff. 8/10/12.)

Thank You,

Timothy Allred

Executive Director

Board of Pardons and Parole